



National Aeronautics and
Space Administration
Washington, DC 20546

Grant Information Circular

GIC 09-01

July 16, 2009

CLASS DEVIATION TO REMOVE THE UNITED STATES CITIZENSHIP REQUIREMENT FOR STUDENTS AND FACULTY RECEIVING DIRECT SUPPORT UNDER EDUCATION AND TRAINING GRANTS

PURPOSE: To amend 14 CFR §1260.12(c)(2) and §1260.12(c)(3)(iii), "Choice of Award Instruments," to eliminate the requirement for United States (U.S.) citizenship for students and faculty who receive direct support under education and training grants.

BACKGROUND: 14 CFR §1260.12(c) currently requires students and faculty receiving direct support under all NASA education grants and some training grants to be U.S. citizens. NASA's Office of Inspector General (IG) conducted a study of institutions awarded NASA grants in 2007 and concluded that record keeping at NASA did not prevent non-U.S. citizens from receiving direct support under education and training grants. In practice, the IG found that NASA education and training grants frequently provide a direct benefit to non-U.S. citizens. This was particularly true when grants (1) were used to provide information and services via the World Wide Web, (2) were made to institutions which are located in areas with large immigrant populations, and (3) included direct benefits to non-employees whose costs are budgeted as other direct costs. For example, those receiving direct support under NASA training and education grants may include K-12 students and teachers who participate in school-based or out-of-school-time projects, such as summer camps or visits to museums, science centers, or planetariums. Many individuals (including minors under the age of 13) who will receive direct support under education or training grants are not employees of the awarded institution. As a result of these IG findings, NASA has examined internal and Congressional records for the origins of the regulation that makes only U.S. citizens eligible for direct support on education and training grants, particularly in light of the fact that no citizenship restriction exists for NASA research grants. No evidence was found to support (1) why the U.S. citizen only regulation began, (2) why the U.S. citizen only regulation should continue, and (3) why NASA should impose the burden of new record keeping and reporting upon its grantees under the Paperwork Reduction Act. NASA also surveyed other federal agencies that administer science, technology, engineering, and mathematics (STEM) education and training grants to discern whether these agencies exclude U.S. permanent and other individuals legally residing in the U.S. from direct support. While several agencies reported restricting some higher education grant funds (e.g. awards to individual adults or to institutions of higher education) to U.S. citizens or permanent residents, no agency reported any grant activities that limit direct support to U.S. Citizens in K-12, or informal and non-formal education settings. Due to (1) NASA's need to align its regulations with Federal EEO statutes and federal grant-making practices, (2) the lack of documentary evidence as to the origins of NASA's U.S. citizen only regulation, and (3) the significant impact to the affected public who would be required to establish record keeping

systems to accommodate the current regulation, NASA, through this class deviation, waives the regulatory requirement for U.S. citizenship on students and faculty receiving direct support under education and training grants. However, NASA reserves the right to insert a citizenship requirement, such as may be required by a statute or otherwise, within particular grant or cooperative agreement solicitations.

GUIDANCE: This class deviation precludes grant officers from having to invoke U.S. citizenship requirements in announcements for training and education grants released after the effective date of this GIC. If the grant officer is planning to invoke the U.S. citizenship requirement in announcements issued prior to the effective date of this GIC, the grant officer shall notify R. Todd Lacks, Contract Management Division, (202) 358-0799, e-mail: todd.lacks@nasa.gov.

EFFECTIVE DATE: This GIC is effective as dated and shall remain in effect until this change is implemented in 14 CFR and the NASA Grant and Cooperative Agreement Handbook, or otherwise rescinded.

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